

MERCK EPROVA AG,

Plaintiff,

-against-

GNOSIS S.P.A. and GNOSIS BIORESEARCH S.A.,

Defendants.

Case no. 07 Civ. 5898 (RJS)

STIPULATION AND ORDER

It is hereby stipulated and agreed by and between the undersigned attorneys for the respective parties hereto as follows:

1. The defendants GNOSIS S.p.a. and GNOSIS BIORESEARCH S.A. accept service of the summons and complaint and waive service of the summons and complaint, but in so doing preserve and do not waive any objections to the Court's basis of personal jurisdiction over them.

2. The defendants' time to respond to the First Amended Complaint is hereby extended to and including February 1, 2008, at which time the defendants will serve and file their motion under Fed. R. Civ. P. 12(b) as to the First Amended Complaint.

3. The parties hereby agree to the following briefing schedule in connection with defendants' contemplated motion under Fed. R. Civ. P. 12(b):

- a. Defendants' motion to be served and filed by **February 1, 2008**.
- b. Plaintiff's opposition to be served and filed by **February 29, 2008**.
- c. Defendants' reply papers to be served and filed by **March 21, 2008**.
- d. Motion to be returnable **March 21, 2008**.

Dated: January 22, 2008

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SO ORDERED


HON. RICHARD J. SULLIVAN
U.S.D.J.
1/28/08